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*Attorneys for Defendant Continental Casualty  
Company*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THOMAS DILLON, as Court-Appointed  
Receiver for Vesta Strategies, LLC and  
Excalibur 1031 Group, LLC,

Plaintiff,

v.

CONTINENTAL CASUALTY  
COMPANY, an Illinois corporation,

Defendant.

Case No. C 10-05238 JW

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE**

Old Date: September 19, 2011

New Date: October 17, 2011  
Time: 10:00 a.m.

1 Plaintiff Thomas Dillon, as the Court-Appointed Receiver for Vesta Strategies, LLC and  
 2 Excalibur Group, LLC ("Plaintiff" or "Receiver"), and Defendant Continental Casualty Company  
 3 ("Continental") submit the following stipulation to continue the September 19, 2011 Case  
 4 Management Conference in the above-captioned matter to October 17, 2011 at 10:00 a.m.

### 5 RECITALS

6 A. The Court scheduled a Case Management Conference in the above-captioned  
 7 matter for September 19, 2011 (Doc. No. 43, p. 12);

8 B. A Case Management Conference has also been scheduled for September 19, 2011  
 9 in the related case, *United States Fire Insurance Company v. Vesta Strategies, LLC, et al.*; Case  
 10 No. C 09-02388 (the "*U.S. Fire Action*");

11 C. The Receiver is a party to both this action and the *U.S. Fire Action*, and is  
 12 represented by Hollister & Brace in both actions;

13 D. Counsel for Continental has a scheduling conflict and cannot attend the Case  
 14 Management Conference scheduled for September 19, 2011;

15 E. The parties in this action and the *U.S. Fire Action* have met and conferred, and all  
 16 counsel are available on October 17, 2011 for Case Management Conferences in both this action  
 17 and the *U.S. Fire Action*; and

18 F. The parties to the *U.S. Fire Action*, the Receiver and United States Fire Insurance  
 19 Company, will also be submitting a stipulation and proposed order to continue the September 19,  
 20 2011 Case Management Conference in that action to October 17, 2011 at 10:00 a.m.

**STIPULATION**

Based on the foregoing, the Receiver and Continental hereby stipulate to the continuance of the September 19, 2011 Case Management Conference in the above-captioned matter to October 17, 2011 at 10:00 a.m. The parties further stipulate that the deadline to file a Joint Case Management Statement is continued from September 9, 2011 to October 7, 2011.

Dated: August 31, 2011

HOLLISTER & BRACE

By: /s/ Robert L. Brace

Robert L. Brace  
Peter L. Candy

*Attorneys for Plaintiff  
Thomas Dillon*

Dated: August 31, 2011

TROUTMAN SANDERS, LLP

By: /s/ Ryan C. Tuley

Ryan C. Tuley, SBN 198249  
Eileen King Bower, *Pro Hac Vice*  
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Continental Casualty Company*

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**ORDER**

The Court, having considered the stipulation of Plaintiff Thomas Dillon, as the Court-Appointed Receiver for Vesta Strategies, LLC and Excalibur Group, LLC, and Defendant Continental Casualty Company, and good cause appearing therefore, hereby ORDERS that:

1. The September 19, 2011 Case Management Conference in the above-captioned matter is continued to October 17, 2011 at 10:00 a.m.; and
2. The deadline to file a Joint Case Management Statement is continued from September 9, 2011 to October 7, 2011.

Dated: September 1, 2011

  
James Ware, United States District Court  
Judge

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